

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 4:00CR253
)
Plaintiff,)
)
v.) **MEMORANDUM**
)
DAVID ZEHRINGER,)
)
Defendant.)

This matter is before the court on Defendant's Notice of Appeal and Motion for Leave to Appeal in Forma Pauperis ("IFP"). (Filings [53](#) and [54](#).) On March 12, 2012, the court denied Defendant's Motion to Recalculate Restitution. (Filings [50](#) and [52](#).) Defendant filed a timely Notice of Appeal of the court's March 12, 2012, Order. (Filing [53](#).)

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(1\)](#):

Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

[Fed. R. App. P. 24\(a\)\(1\)](#). The court has carefully reviewed the record. Defendant has filed an Affidavit to proceed without payment of fees that declares he is entitled to the

relief sought in his Motion to Recalculate Restitution. (Filing No. [54](#).) Therefore, Defendant's Motion for Leave to Appeal IFP is granted.

IT IS THEREFORE ORDERED that:

1. Defendant's Motion for Leave to Appeal IFP (filing no. [54](#)) is granted.
2. The Clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.

DATED this 26th day of March, 2012.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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